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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,830	07/17/2003	John J. Hahn	650770.90112	1990

26710 7590 09/25/2006

QUARLES & BRADY LLP  
411 E. WISCONSIN AVENUE  
SUITE 2040  
MILWAUKEE, WI 53202-4497

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*Response to Amendment*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 10, 2006 has been entered.

2. The claims originally presented and acted upon by the Office on their merits determine the invention elected by an applicant in the application, and in any request for continued examination (RCE) which has been filed for the application.

3. Newly added claims 31-45 are directed to an invention that is independent or distinct from the invention originally elected, in the response filed August 22, 2005, for the following reasons: The inventions are distinct if either or both of the following can be shown (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process. For example, the ribs may be molded by a second die part and a third die part would not be used, or the ribs may be welded to the skirt after removing the cap shell from the first and second die parts.

4. Because these inventions are distinct for the reasons given above and the search required for the product is not required for the process, restriction for examination purposes as indicated is proper.

5. Since applicant has received an action on the merits for the originally elected invention, claims 31-45 are withdrawn from consideration as being directed to a non-elected invention. MPEP § 821.02.

6. The amendment filed on July 10, 2006 canceling all product claims and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

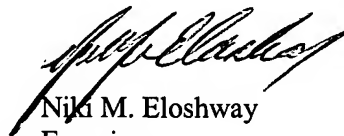
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7. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Niki M. Eloshway  
Examiner  
Art Unit 3727

nme



NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER